REMARKS

At the outset, Applicants would like to express their thanks for the time and courtesy shown to them as well as their representative during the Examiner interview of March 21, 2006. Based upon the discussions at the interview, Applicants respectfully request reconsideration of the above-referenced application in light of the amendments above and remarks that follow.

The Office Action rejects claims 1-6, 13-16, 19-26, 31, 32, 35 and 37 under 35 U.S.C. § 102(a) as being unpatentable over Foy et al. ('255). Claims 37-44 are rejected under 35 U.S.C. § 102(b) as being anticipated by Furtner. Claims 1-3, 5, 6, 15 and 16 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Overholt in view of Foy. Claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Overholt in view of Foy and Furtner. Claims 21 and 23-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foy. Claims 7-9, 11, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foy in view of Lessard and Overholt. Claims 10, 12, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foy. Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foy in view of Foy '065.

As a result of the Interview and in response to the Office Action, claims 19-22 and 34-44 have been cancelled without prejudice to the ability to file continuation or divisional applications directed to the support structure of those claims. The remaining groups of claims represented by independent claims 1 and 23 remain and are directed to the novel alignment structure discussed during the interview.

Both claims 1 and 23 are directed to collapsible containers which include a latching system in which the latching members need to cooperate to secure the one sidewall and one end wall together as the corner is formed. Such systems have been known in the art such as that previously developed by the Applicant Lessard. However, the latch is a camming type of structure so that forces are at play to deflect one wall away from the other near the top of the crate, which, as discovered by the Applicants, prevents latching on a consistent basis unless both hands of the operator are placed at the corners during latching. This becomes truer as less rigid material such as plastics,

the thinner the plastic the less rigid, are used. Accordingly, in order to ensure consistent and accurate latching, Applicants have discovered that the cooperating elements of the latching mechanism on the adjacent walls need to be properly aligned. Accordingly, Applicants have invented the claimed alignment system not shown anywhere in the prior art.

The alignment system as now claimed, further emphasizes what was already in the specification and claims, namely that at least one of the members is along an interior surface of one of the two walls used to form a corner which engages with a member from the adjacent wall. As taught in the specification, see Fig. 10, that the first member of claim 1 extends along an inwardly facing surface of a first wall and Fig. 3 which shows the second member extending in a second direction along the other wall. These members (Fig. 1) are oriented substantially orthagonal to each other. In this way the two cooperate as the one wall is moved upright relative to the other to properly align the walls as the latching member operates.

Claim 23 defines this structure with a different emphasis in that it defines that a receiving member have an opening, which is now defined to extend in a direction orthagonal to the first member extending from a face of one of the adjacent walls forming the corner. This is a structure, benefit and result not shown in the prior art. In the Office Action, claims 1 and 23 were first rejected under 35 U.S.C. § 102 (b) as being anticipated by Foy ('255). Applicants respectfully traverse the rejection.

In Foy, the Office Action argues that the alignment system is formed by one of the two lower most delta shaped openings 84 extending inwardly towards an interior of the container from an end wall and a second member locking tab 68. However, as demonstrated during the interview by Applicants, this structure does not act as the alignment means for properly aligning the latching mechanism. A crate was fashioned to include the delta shaped openings and projections as taught by Foy without the claimed alignment means. When brought into the upright position, the delta projections and recesses did not align the latching mechanism on a consistent basis to allow latching as claimed in claim 1. Rather, follow-on alignment was required by the operator utilizing their hands to align the latching mechanism to properly work.

Conversely, when the delta projections were removed and the alignment means as claimed was provided, the sidewalls and end walls self-aligned to provide consistent operation and locking of the latching mechanism. Accordingly, it is submitted that even if the delta projections of Foy are considered to be alignment mechanisms, they do not align the top corners as required by claim 1 **and do not align the locking mechanism.** This is true no matter how rigid the material as demonstrated by the industry's adoption of additional assisting mechanisms, unlike the claimed mechanism, in the heavy-duty crates which do make use of a Foy-like mechanism for securing the sidewalls to each other, but require additional structure for aligning the corners as demonstrated during the interview.

Foy does not teach the claimed locking mechanism and as a result does not teach the claimed alignment mechanism as the alignment mechanism does not face an interior surface of one wall while cooperating with another. Rather, all of the activity in Foy is along the same plane, i.e., along the same direction. The delta projections of Foy are used to secure the walls to each other once entirely in the upright position to prevent deflection, but they are not a locking mechanism, and they are not the claimed alignment mechanism. Both the delta projections and the delta receiving mechanism are on the same wall, the end wall when in the upright position, and for this reason do not act like the claimed alignment means. There is no orthagonal orientation.

Accordingly, Applicants submit that claims 1 and 23 are allowable over the prior art, as the prior art, at a minimum, does not teach the claimed alignment means.

Claims 2-6, 13-16 and 19-22 depend from claim 1 while claims 24-26, 31 and 32 depend from claim 23 and define the invention with greater particularity. These claims define patentable combinations in their own right as well as depending from allowable claims 1 and 23. By way of example, claims 2-4 define with greater particularity the novel alignment system that includes a spur extending away from an outer or side edge of one wall and receiving members extending in the direction away from the face of the other wall to form an opening for slideably receiving the spur member. Accordingly, Applicants submit that as discussed above Foy makes no such teaching.

Claims 1-3, 5, 6, 15 and 16 are also considered to be unpatentable over Overholt in view of Foy. Applicants respectfully traverse the rejection. As conceded in the Office Action, Overholt does not disclose the specifics of the alignment system, hinge system and support system. Foy is considered to teach the alignment system, hinge system and support system, however as discussed above, Foy does not teach the alignment system as claimed. As demonstrated, the structure of Foy does not work to align the walls as needed, it still allows deflection away at the hinge structure. Accordingly, in light of the above, and the statements of the Office Action, claims 1-3, 5, 6, 15 and 16 are allowable over the combination of Overholt in view of Foy and Applicants respectfully request withdrawal of the rejection.

Claims 7-9, 11, 27 and 28 are rejected under 35 U.S.C. § 103 as being unpatentable over Foy in view of Lessard. Applicants respectfully traverse the rejection.

Foy is considered to teach all of the invention with the exception of the bias panel. However, as demonstrated above, Foy, at a minimum, does not teach the alignment system as claimed. Accordingly, claims 7-9 and 11 depend from claim 1 while claims 27 and 28 depend from claim 23. For the reasons discussed above in connection with claims 1 and 23, Applicants respectfully submit that Foy even in combination with Lessard does not teach the claimed invention. Accordingly, these claims are allowable as defining patentable combinations in their own right as well as depending from allowable claims 1 and 23, respectfully. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C.

Claims 10, 12 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foy in view of Lessard and further in view of Overholt. Applicants respectfully traverse the rejection.

Claims 10 and 12 depend from claim 1 while claims 29 and 30 depend from 23 and define the invention with greater particularity; in particular, deformation prevention members. As discussed above, nothing in Overholt, as admitted in the Office Action, nor Lessard overcomes the shortcomings of Foy. Accordingly, for

reasons discussed above in detail, claims 10, 12, 29 and 30 are allowable as defining patentable combinations in their own right as well as depending from allowable claims 1 and 23. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

Claims 17 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Foy in view of Foy '065. Foy is considered to teach the invention with the exception of stacking projections which are considered to be taught by Foy '065. Applicants respectfully traverse the rejection.

Claims 17 and 18 depend from claim 1 and define the invention with greater particularity; namely, the stacking projections. Nothing in Foy '065 overcomes the deficiency of Foy '255. Additionally, there is no suggestion for such a modification of Foy, and even if there were it would not result in the claimed invention which includes the novel aligning system in a novel combination with the hinging structure as defined in claim 1 to provide the locking system. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 17 and 18.

Applicants submit that in light of the above, the claims are in condition for allowance. If the Examiner is unable to issue an immediate Notice of Allowance, he is respectfully requested to telephone the undersigned attorney at (954) 667-6130 with a view to discussing any outstanding issues.

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Respectfully submitted,

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